

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INDEPENDENT POWER TANZANIA LTD.,

Plaintiff,

-against-

THE GOVERNMENT OF THE REPUBLIC OF
TANZANIA,

Defendant.
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ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER STAYING CASE PENDING
ARBITRATION**


07 Civ. 10366 (AKH)

The parties appeared before me on April 15, 2008 for argument on Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(2). As stated on the record, I make the following findings:

1. Plaintiff's service on Defendant was proper pursuant to Guarantee provision 5.1 and the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1608(a)(1);
2. Defendant has waived immunity pursuant to Sections 1.9 and 2.6 of the Guarantee and Section 24.7 of the Implementation Agreement, and thus has consented to this Court's jurisdiction pursuant to the FSIA, 28 U.S.C. § 1605(a)(1); and
3. The parties are ordered to arbitrate their dispute in London, England, in accordance with the provisions set forth in Section 18.3 of the Power Purchase Agreement, Section 21.2 of the Implementation Agreement and Section 7.2 of the Guarantee. The case will be placed on the suspense calendar, and the parties are ordered to report to me on the progress of arbitration every 90 days, or at such time that the dispute is resolved.

SO ORDERED.

Dated: April 15, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge